

**SUSSMAN SHANK**<sup>LLP</sup>  
— ATTORNEYS —

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November 20, 2019

**VIA ECF**

The Honorable Peter C. McKittrick  
United States Bankruptcy Court  
for the District of Oregon  
1050 S.W. Sixth Avenue, #700  
Portland, OR 97204

Re: *In re Christian S. Radabaugh, Sr.*  
U.S. Bankruptcy Court for the District of Oregon  
Case No. 18-34244-pcm11  
Our File No. 24987-001

Dear Judge McKittrick:

I represent GP LLC ("GP") in the above matter.

I received Nicholas Henderson's letter to the Court about an hour ago consenting to the relief GP LLC requested in its Second Amended Motion to Dismiss and asking that Mr. Radabaugh be excused from attending tomorrow's trial. A few minutes later, I received an email from Mr. Henderson telling me that the Court excused Mr. Radabaugh from attending the trial.

I was not informed until I saw Mr. Henderson's letter to the Court that Mr. Radabaugh was going to ask to be excused from attending the trial. Mr. Radabaugh, as the Debtor, is a key witness at the trial and I fully expected the Debtor to appear at a trial on dismissal of his own case.

I cannot determine from the Court's message that Mr. Henderson relayed to me whether the Court intends for me to put on a case on the merits tomorrow, or if the Court will simply be discussing implementation of the consent to the dismissal and the one-year Title 11 refiling bar.

In light of the foregoing, it would be very helpful if the Court could clarify how it intends to conduct tomorrow's trial so that I know whether or not to continue to prepare for a trial on the merits. Also, my client will be traveling from California tonight to attend the trial so it would be helpful to know whether or not he needs to attend.

# SUSSMAN SHANK<sup>LLP</sup>

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Thank you.

Very truly yours,

SUSSMAN SHANK LLP

*/s/ Howard M. Levine*

Howard M. Levine

HML:jeh

c: ECF Participants

\*24987-001\LETTER TO P. MCKITTRICK RE 112119 HEARING (03320022);1